

1 **LR87-CR 2.2-9 ASSIGNMENT AND REASSIGNMENT OF CRIMINAL CASES**

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4 ~~The judges of the Warrick County Courts have not tendered local rules for the~~  
5 ~~assignment and reassignment of felony and misdemeanor cases as set forth in Criminal~~  
6 ~~Rule 2.2. Accordingly, this Court now adopts the following local rules for Warrick~~  
7 ~~County:~~

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9 **1. ~~CASE ASSIGNMENT~~**

10 All felony and misdemeanor cases shall be randomly assigned in equal numbers  
11 to  
12 the Warrick Circuit and Superior Courts. The Clerk of the Circuit and Superior Courts  
13 shall place three pieces in an opaque container marked "C ", "S-1", or "S-2". At the time  
14 a case is filed, the  
15 Clerk shall randomly remove one piece from the container. If the piece is marked "C",  
16 the case shall be assigned to the Circuit Court. If the piece is marked "S-1", the case  
17 shall be assigned to Superior Court 1. If the piece is marked "S-2", the case shall be  
18 assigned to Superior Court 2. After each selection, the piece shall be returned to the  
19 container for use in the next random assignment.

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21 **2. ~~TRANSFER~~**

22 The judges of the Warrick Circuit and Superior Courts, by appropriate order  
23 entered in the Record or Judgments and Orders, may transfer and reassign to another  
24 court in the county a pending felony or misdemeanor case, provided the receiving court  
25 has jurisdiction to hear such case and accepts jurisdiction of such matter.

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28 **3. ~~DISMISSAL, REFILING, AND SUBSEQUENT FILINGS~~**

29 When the state dismisses a felony or misdemeanor case that has been assigned or  
30 reassigned under these local rules, all felony or misdemeanor charges filed against the  
31 defendant within the next six months shall be assigned to the judge from whom the  
32 dismissal was taken. Additional criminal charges filed against a defendant who has a  
33 felony or misdemeanor charge pending shall be assigned to the judge before whom such  
34 initial charge is pending. The application of this provision does not extend the jurisdiction  
35 of any court; a subsequent or additional charge outside the jurisdiction of the court  
36 where initial charges are pending shall be considered as an initial filing for assignment  
37 under Rule 1.

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39 **4. ~~REASSIGNMENT~~**

40 In the event of the disqualification, recusal, or other change of judge, a pending  
41 felony or misdemeanor case shall be reassigned and transferred randomly to another court  
42 in the county, provided the second court has jurisdiction to hear such criminal charge. If  
43 the case cannot be reassigned and transferred to the other court in the county, the case  
44 shall be reassigned in the court where pending to a duly appointed senior judge in such  
45 court or one of the following judges from contiguous counties: the Honorable Marvin D.  
46 Stratton, Judge of the Pike Circuit Court, and the Honorable Wayne A. Roell, Judge of

47 the Spencer Circuit Court. Cases shall be reassigned to senior judges and judges from  
48 contiguous counties in seriatim order, Judges previously assigned to the case are  
49 ineligible for reassignment under this rule.

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51 **5. ~~APPOINTMENT OF SPECIAL JUDGE~~**

52 In the event these rules fail to assign a case or unique circumstances presented in  
53 a particular proceeding preclude local assignment, the judge before whom the case is  
54 pending may request the Indiana Supreme Court to appoint a special judge for the case.  
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57 **1. INITIAL CASE ASSIGNMENT.** As used herein, the term *MONTH* for criminal  
58 case filing shall mean the following:

- 59 1.1. Circuit Court JANUARY, APRIL, JULY & OCTOBER  
60 1.2. Superior Court No. 1 FEBRUARY, MAY, AUGUST, &  
61 NOVEMBER  
62 1.3. Superior Court No. 2 MARCH, JUNE, SEPTEMBER, &  
63 DECEMBER

64 The monthly rotation will be from 12:01 a.m. on the first day of the month until  
65 midnight on the last day of the month.

66 **2. Except as otherwise provided in these rules, all misdemeanor and felony cases shall be**  
67 **assigned to a Court in the monthly rotation set forth in paragraph 1.0 above on the day on**  
68 **which the offense alleged in the charging document or Indictment occurred. In the event**  
69 **of multiple offenses, the date of the earliest offense alleged in the charging document or**  
70 **Indictment shall control the court assignment.**

71 **3. All criminal case filings that do not allege a specific date of commission for each of**  
72 **the offenses charged shall be randomly assigned to the Warrick Circuit and Superior**  
73 **Courts. The Clerk of the Circuit and Superior Courts shall place three pieces in an**  
74 **opaque container marked “C”, “S-1”, or “S-2”. At the time a case is filed, the Clerk shall**  
75 **randomly remove one piece from the container. If the piece is marked “C”, the case shall**  
76 **be assigned to the Circuit Court. If the piece is marked “S-1”, the case shall be assigned**  
77 **to the Superior Court No. 1. If the piece is marked “S-2”, the case shall be assigned to**  
78 **the Superior Court No. 2. After each selection, the piece shall be returned to the**  
79 **container for use in the next random assignment.**

80 4. Cases which are filed in which the offense occurred prior to the effective date of these  
81 Rules shall be assigned to a court based on the assignment schedule set forth in paragraph  
82 1.0 above, except as set forth herein as to cases with no specific date of offense.

83 **5. DISMISSAL, REFILING AND SUBSEQUENT FILING:** When the State of  
84 Indiana dismisses a felony or misdemeanor case that has been assigned or reassigned  
85 under these local rules, and the State of Indiana chooses to re-file that case, the case shall  
86 be assigned to the court from which the dismissal was taken. Additional criminal charges  
87 filed against a defendant who has a felony or misdemeanor charge pending shall be  
88 assigned to the court before whom such initial charge is pending. A case is “pending”  
89 if it has not been concluded or if any post-sentencing proceeding, such as when any  
90 probation or Community Corrections revocation, appeal or motion to correct error has  
91 been filed but not been concluded.

92 **6. CASE TRANSFERS.** The Prosecuting Attorney or the defendant may move to  
93 transfer a case to another court handling a companion case, provided the judge of the  
94 receiving court will accept the transfer. Granting of the motion is discretionary, not  
95 mandatory.

96 **7.** The judges of the Warrick Circuit and Superior Courts, pursuant to statute by  
97 appropriate order entered in the Record of Judgments and Orders, may transfer and  
98 reassign to another court in the county a pending felony or misdemeanor case, provided  
99 the receiving court has jurisdiction to hear such case and will accept transfer of such  
100 matter.

101 **8. CHANGES OF JUDGE.** In the event a motion for change of judge is filed and  
102 granted pursuant to Criminal Rule 12, the Clerk shall randomly select one of the other  
103 courts with jurisdiction, based upon the procedure set forth in paragraph 3 above, and the  
104 case shall be reassigned to that Court.

105 **9. MISCELLANEOUS CRIMINAL MATTERS (MC).** All Miscellaneous Criminal  
106 matters (MC), including without limitation, applications for search and arrest warrants,  
107 probable cause findings, and extraditions, shall be assigned to and filed in a court based  
108 upon the date on which the matter is presented to the court and the monthly rotation set  
109 forth in paragraph 1.0 above.

110 **10. UNAVAILABILITY OF JUDGE.** If the judge of a court to which a matter is to be  
111 presented is unavailable, then the matter may be heard by any other available judge of the  
112 Warrick Circuit or Superior Courts. However, that matter shall remain in the court to  
113 which the matter is to be presented, pursuant to the filing calendar.

114 **11. REASSIGNMENT.** In the event of the disqualification, recusal, or other change of  
115 judge, a pending felony or misdemeanor case shall be reassigned and transferred  
116 randomly to another court in the county by the method set forth in paragraph three (3)  
117 above. If the case cannot be reassigned and transferred to another court in the county, the  
118 case shall be reassigned to one of the judges from courts from contiguous counties: the  
119 Pike Circuit Court, the Spencer Circuit Court, the Gibson Circuit Court, the Gibson  
120 Superior Court, the Dubois Circuit Court, or the Dubois Superior Court. Cases shall be  
121 reassigned to judges from contiguous counties in seriatim order. Judges previously  
122 assigned to the case are ineligible for reassignment under this rule.

123 **12. APPOINTMENT OF SPECIAL JUDGE.** In the event these rules fail to assign a  
124 case, or unique circumstances presented in a particular proceeding preclude local  
125 assignment, the judge before whom the case is pending may request the Indiana Supreme  
126 Court to appoint a special judge for the case.

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